

P-403/CP-89-930 ORDER DEFERRING ACTION AND EXTENDING TIME FRAMES

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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Chair
Commissioner
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In the Matter of a Petition from
Certain Subscribers of the
Winnebago Exchange for Extended
Area Service to the Blue Earth
Exchange

ISSUE DATE: November 19, 1991

DOCKET NO. P-403/CP-89-930

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EXTENDING TIME FRAMES

PROCEDURAL HISTORY

On October 19, 1989, certain subscribers in the Winnebago exchange filed a petition for Extended Area Service (EAS) to the Blue Earth exchange. The Commission began processing the petition under existing EAS law.

In 1990 the Legislature enacted new legislation changing the standards for evaluating EAS petitions. On July 5, 1990 the Commission determined that the proposed EAS route met the traffic and adjacency requirements of the new EAS statute, Minn. Stat. § 237.161 (1990) and required the affected companies to file cost studies and proposed rates. Cost studies and proposed rates were duly filed.

On April 22, 1991, the Department of Public Service (the Department) filed a request in a similar docket¹ asking the Commission to determine whether U S WEST Communications, Inc. (U S WEST), which carries the toll traffic between these two exchanges, is an "affected telephone company" under the new statute. If U S WEST is an affected telephone company, EAS rates for this route must be calculated to hold the company income neutral. Minn. Stat. § 237.161, subd. 3 (b) (1990). On August 30, 1991, U S WEST filed a petition asking the Commission to find that it was not an affected telephone company in this and similar dockets.

On September 18, 1991, the Department requested an extension of time until 60 days after Commission determination of the affected telephone company issue to file its report and recommendation on the cost studies and proposed rates.

Between these two petitions, the Commission issued an Order requiring the companies to file more detailed and accurate

¹ In the Matter of a Petition for Extended Area Service from the Hokah Exchange to the LaCrosse, Wisconsin Calling Area, P-401/CP-89-951.

traffic studies, and new proposed rates based on those studies.
ORDER REQUIRING REFILED COST STUDIES AND PROPOSED RATES,
August 9, 1991.

The Department's request for a time extension came before the
Commission on October 29, 1991.

FINDINGS AND CONCLUSIONS

Although the Commission is committed to prompt action on
ratepayer petitions, the Commission is convinced it should not
take further action on this petition until U S WEST's status as
an affected or unaffected telephone company has been resolved.
The next step in this case is to set proposed rates and to poll
subscribers on whether or not they want Extended Area Service at
those rates. If U S WEST is an affected telephone company, rates
will be different than if it is not. It makes little sense to
proceed with polling until rates can be set with certainty. The
Commission will therefore defer further action on this petition
until the issue of income neutrality for U S WEST has been
resolved.²

The Commission believes this delay resolves the Department's
concerns and will therefore reinstate the time frames of the
August 9 Order, except that all time frames will run from the
date of the final Order resolving the affected telephone company
issue.

ORDER

1. Further proceedings on this petition are deferred until the
resolution of U S WEST's status under Minn. Stat. § 237.161,
subd. 3 (b) (1990).
2. The time frames established in the Commission's
August 9, 1991 ORDER REQUIRING REFILED COST STUDIES AND
PROPOSED RATES will take effect on the date of the final
Order discussed above.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)

² Polling should not be delayed significantly. The income
neutrality issue was heard on November 6, and final action should
be taken shortly.